

Finalization or Re-Finalization: New York

Please make certain to read through the introductory information about the post placement period available in the WHFC Client Portal, especially the information about determining your child's visa type.

Your Finalization Coordinator is Jessica Ellison. Please feel free to let her know of any questions you may have.

Name	Phone	Fax	Email
Jessica Ellison	781.419.0397	781.899.2769	jellison@whfc.org

Under the laws of New York State, a petition can be filed for the adoption of your child after he or she has been living in your home for at least six months, and all post placement requirements have been satisfactorily met.

Families must finalize their adoption or re-adoption in their county of residence. It is highly advisable to work with an attorney experienced in international adoptions. However, families do have the option of finalizing or re-adopting on their own. Should you choose to represent yourself, you will need to contact the county clerk in your county of residence for further information, and to obtain all necessary court filing forms. Be advised that court clerks are not attorneys, and can not advise you on the law relative to finalization or re-adoption. Also be aware that pursuing this process on your own does lead to additional work for you, and may be confusing. Some families who have made the decision to work with the court directly have done so quite successfully. Others have ultimately hired an attorney.

If you delay this process and wish to pursue it in the future, the courts will typically require an updated post placement report. This will require an service additional fee to WHFC.

IMPORTANT: As you prepare for this process, please be aware that, if you are a married couple, you will be required to furnish a certified copy of your marriage certificate. If you do not have spare certified copies, you may wish to request these early in your post placement period. You will also need updated criminal and child abuse clearances. Please contact Jessica Ellison a few months before your anticipated finalization or re-adoption so she can assist you with those.

Once your final post placement report is complete (usually a few weeks after your final post placement visit), all medicals and photos are received, and any other outstanding post placement requirements have been met, you may contact Jessica Ellison in the WHFC main office (jellison@whfc.org or 781.419.0397) to receive agency specific documents needed for finalization or re-adoption. This will include official copies of your home study report, home

study updates, and post placement reports. If you adopted from the Philippines, you will also be sent the official legal documents from your child's country of birth, and WHFC's consent to your adoption. Other documents may also be needed, depending on the county you are filing in.

For countries other than the Philippines, you will need the official legal documents you received in country. Jessica can assist you in identifying the documents you have.

If you would prefer, we can provide these documents directly to your chosen attorney if you alert Jessica to your request. This does require that you have already officially retained the services of the attorney, and have provided written authorization to WHFC to release the documents to someone other than you, including the name and address of the attorney.

If your child arrived on an IR3 or IH3 visa

- 1) Contact your county clerk, and ask their procedure for IR-3 re-adoption.
- 2) Go to www.courts.state.ny.us . Under Topics A-Z, select Forms. Search the form database for adoption. Download adoption forms 28 & 28A. Fill in information on form 28. 28A will be used for court signatures.
- 3) For submission, you will need Forms 28 & 28A, a copy of the IR-3 visa from Child's passport, and an original or certified copy of the original adoption order, with translation. Mail or hand-deliver the documents, as instructed by the clerk. There is no filing fee.
- 4) The clerk will contact you when the forms are processed. They will send you documents to verify and mail back. Once received, these documents will be filed for the creation of the new birth certificate. Copies of the birth certificate cost \$30, and you may request as many as you want. (note: receiving the certificate(s) may take up to 6 months)
- 5) You will be offered two options for receiving your decree. You may have the adoption decree signed in chambers and sent to you via mail. Or if you wish, you may request a court date for the re-adoption, and have it take place in front of a judge in court.

It typically takes about 3 weeks between submission and receiving your decree, but can be longer depending on the volume of cases in your county.

If your child arrived on an IR4 or IH4 visa

1) Contact your country clerk, and ask for the list of required forms for an IR-4 Agency adoption finalization.

2) You or your attorney will contact WHFC and indicate you are beginning the finalization process. A packet of documents will be prepared for you, including:

- Home Study reports (or updated court report if Home Study is over a year old.)
- Post Placement reports
- Child Abuse clearances
- Criminal Clearances
- List of adoption expenses
- Agreement of Adoption and Consent form
- Verified Schedule form (for Korea/Philippines)
- Affidavit of Disinterested Persons (as required by the court)
- Affidavit of Financial Disclosure (as required by the court)

In addition, you will be required to present other documents already in your possession, including:

- birth certificates
- marriage certificate
- original legal documents from country of origin
- child's original birth certificate with translation
- IR-4 or IH-4 visa from child's passport

Other forms required by the court may be found online at www.courts.state.ny.us

3) You, or your attorney, will file all documents with the court, and upon approval, be granted a court date.

4) On your court date, you may also request a legal name change, or a New York State birth certificate.

Additional Information for Families With Children from The Philippines (or possibly other countries long ago)

As you are aware, your child has arrived under the placement authority of WHFC. Once your post placement period is complete and the needed paperwork is available, it is important to move forward with finalization as soon as possible. Securing your child's adoption decree and U.S. birth certificate are very important steps. While you have been providing all care since your child's arrival, this process will secure your legal standing as parents.

It is very important that you remember to submit a copy of your child's US decree to WHFC. This is needed abroad as ICAB need copies for their files and to remove the child from the citizenship rosters of their own nations, which prevents future requests such as involvement in the military.

A photocopy, scan, or fax is sufficient and should be sent to Jessica Ellison whose contact information is on the previous page of this document.

Your attorney or the court will provide information regarding when you will actually receive the decree and the needed steps to request a birth certificate, as this varies significantly by county.

Additional Information For Families with Children from Other Countries

While you are the legal parents of your child by virtue of the court process completed abroad, it is advisable or required to re-finalize your adoption in the Massachusetts' courts.

The re-adoption process is much easier to complete shortly after your 6 month post placement period ends than it will be if you wait to pursue it in the future.

If your child arrived on an IR-4 or IH-4 visa: In order for your child to be a U.S. citizen, you will need to re-finalization the adoption in the New York courts. Furthermore, you are required by law to re-finalize so that the foreign adoption can be recognized by the U.S.

If your child arrived on an IR-3 or IH-3 visa, re-adoption is highly recommended, but not needed for citizenship. There are many reasons why re-adoption is highly advisable. Re-adoption will allow a legal name change for your child, if needed. It is also how you will receive a U.S. adoption decree and/or U.S. birth certificate. As it can be impossible (or at least very

difficult) to receive new copies of a foreign birth certificate, it is far easier to have a U.S. birth certificate. Additionally, should you choose not to readopt, your child may not be entitled to all of the rights they should have as your child under U.S. and state law (i.e., some future scholarships).

Your attorney or the court will provide information regarding when you will actually receive the decree.

Attorney Recommendations

The following attorneys are very familiar with international adoption, the documentation from the countries WHFC works with, and the nuances of the local courts. We highly recommend the following:

Stephanie J. Baynon
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